

**City of Milpitas
Economic Development Commission
Monday, May 12, 2003**

UNAPPROVED MINUTES

1. Flag Salute

City Manager Tom Wilson called the meeting to order at 7:00 p.m.
Commissioner Don Peoples led the Commission in the Pledge of Allegiance.

2. Roll Call

It was noted that all Commissioners were present: Karl Black, Ed.D., Dhaval Brahmbhatt, Frank De Smidt, Joseph Gigantino, Jr., Ray Maglalang, Diane McDonough, Donald Peoples, Michael Pham, Vincent Songcayawon, Christie Gammon (Alternate No. 1) and Tom Tuong Nguyen (Alternate No. 2).
City staff: Thomas Wilson, Blair King, Kristina Lawson and Cindy Maxwell.

3. Minutes

Motion to approve the minutes as submitted.

M/S: Maglalang/Black Approve: Unanimous

4. Citizens Forum

There were no comments from the public present at the meeting.

3. Approval of Agenda

Motion to approve the agenda as submitted.

M/S: Black/De Smidt Approve: Unanimous

4. Elections

Motion to move this item to later on the agenda.

M/S: Peoples/De Smidt Approve: Unanimous

5. Brown Act

Kristina Lawson distributed a May 12 memo on Open Meeting Laws in California. She reviewed the provisions of the Brown Act and noted the Economic Development Commission (EDC) was subject to the Act because it was created by the City Council as a standing committee. She answered questions and discussed the purpose of the Brown Act, described meeting notice requirements, clarified what constitutes a meeting and described a serial meeting. Mr. Wilson noted there were historic legal consequences of Brown Act violations. He encouraged Commissioners to contact staff if there were any questions regarding the Brown Act.

6. Bylaws

Cindy Maxwell, Principal Analyst, reviewed the draft bylaws noting they were based on a format used by other city commissions. Mr. Wilson elaborated on how meetings should be conducted. Commissioner Peoples suggested that members send emails to staff and request that they be distributed to the Commission as a method to provide comprehensive communication without violating the Brown Act. Mr. Wilson suggested communication procedures could be documented in operating policies since they could be flexible and would be easier to amend than the bylaws. He noted consideration of the draft bylaws could be continued to the next meeting.

Commissioner Ray Maglalang suggested the EDC consider establishing term limits. Ensuing discussion highlighted that there were no other Commissions with term limits and that limits would encourage new people and ideas on the Commission.

Responding to Commissioner Vince Songcayawon, Mr. Wilson noted that Ms. Maxwell and other city staff would be the primary staff for the EDC. Commissioner Songcayawon proposed hiring a permanent economic development staff person to help the EDC do a better job of meeting its goals. Mr. Wilson noted that the EDC mission is to advise the City Council and develop a long term Economic Development plan. He confirmed there is an Economic Development Manager position but it is subject to the hiring freeze and under the current economic climate he does not expect to be able to recruit and hire for the position any time in the near future. He described the economic development experience of current staff and explained that all city commissions are staffed by the general workforce. He noted the EDC might want to discuss the creation of dedicated staffing in the future when the EDC's workplan is clarified. Commissioner Maglalang noted that one needs to invest money to make money and encouraged the EDC to plan to discuss this topic more in the future. Assistant City Manager Blair King described his experience in economic development.

Commissioner Black suggested that the Commission consider limiting the length of meetings to two hours unless a vote of the Commission extends the time. Commissioner Peoples suggested members email or phone Ms. Maxwell with any proposed changes to the bylaws before the next meeting. In response to a question from Commissioner Tom Tuong Nguyen, Mr. Wilson noted the formation of subcommittees is usually handled by Commission action rather than requirements in the bylaws. Commissioner Dhaval Brahmbhatt asked how the Commission would communicate with the City Council. Mr. Wilson noted it would either be in written form or a Council agenda item. The Council's action would generally be reported to the EDC by another EDC member or by staff.

7. Elections

Mr. Wilson opened the floor for nominations for Chair. Commissioner Maglalang nominated Commissioner Peoples who declined the nomination because of concerns about the EDC's credibility since he represented a specific sector of the community. Commissioner Vince Songcayawon nominated Commissioner Dhaval Brahmbhatt. Commissioner Peoples nominated Commissioner Diane McDonough.

Motion to close the nominations.

M/S: Songcayawon/Maglalang Approve: Unanimous

A secret ballot was held. McDonough won with five votes and Brahmbhatt received four votes.

Mr. Wilson opened the floor for nominations for Vice Chair. Commissioner Songcayawon nominated Commissioner Maglalang. Commissioner Black nominated Commissioner Brahmbhatt.

Motion to close the nominations.

M/S: Songcayawon/Peoples Approve: Unanimous

A secret ballot was held. Brahmbhatt won with six votes and Maglalang received three votes.

8. Meeting Schedule

There was discussion regarding selecting a regular meeting schedule.

Motion to select the second Monday at 6:00 p.m. as the regularly scheduled meeting day.

M/S: Peoples/Pham Approve: Unanimous

Motion to not hold meetings during the months of July and December.

M/S: Black/Songcayawon Approve: Unanimous

It was noted that the next meeting would be June 9. Commissioner Tom Nguyen inquired if the Commission should meet earlier to get more work accomplished. Commissioner Peoples suggested a subcommittee could be appointed to work through July on the workplan. Mr. Wilson noted a schedule change could be made at the June meeting if needed.

9. Finance & Redevelopment Overview

Mr. Wilson noted a copy of the City Manager's transmittal letter was included in the agenda packet. He described the difference between the operating budget and the capital plan. He discussed the various revenue sources and described the purpose of the Redevelopment Agency. Mr. Wilson said staff

would provide a breakdown on what is happening with the budget. He further discussed the current budget status and revenue forecasting. He noted how the Transient Occupancy Tax is a predictor for local economic forecasting and described how the city is addressing the state's delay in acting on the budget. Mr. Wilson described how property tax revenues are not adequate to provide local services to residential. Mr. King noted that property taxes do not keep up with the rate of inflation.

In response to a question from Commissioner Songcayawon, Mr. Wilson noted that a new tax, like a city transfer tax or utility user tax, would have to be approved by a vote of the residents. He confirmed that property taxes are the only major revenue source to the General Fund that has grown in the last few years.

10. Other Business

Commissioner Brahmbhatt suggested that the EDC have a representative observe the upcoming City Council budget hearing.

11. Adjournment

It was the **consensus** of the Commission to adjourn the meeting at 8:55 p.m. to June 9 at 6 p.m.